

### REMARKS

This application has been reviewed in light of the Office Action mailed on January 24, 2008. Claims 1-28 are in the application. Claims 17, 18 and 28 have been withdrawn from consideration by the Examiner as being directed to a non-elected invention. Applicant preserves its right to pursue these claims in subsequent prosecution. Claims 1-16 and 19-27 are now presented for examination. Claims 1, 9, 19, and 27 have been amended. Claims 1, 9, 17-19, 27 and 28 are independent.

Independent claims 1, 9, 19 and 27 have been amended, without admission and without prejudice, to set forth the frame rate being scalable at least in part by dropping at least some frames such that said dropped frames are not sent to the first user or the first viewer computer. This language is clearly supported in the specification at least at paragraphs 78-80.

Claims 1-16 and 19-27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Parker et al. (U.S. Pat. No. 6,677,976) in view of Lowthert (U.S. Pat. No. 5,832,300) in further view of Okazaki et al. (U.S. Pat. No. 5,819,048). Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

Claims 1, 9, 19, and 27 set forth a frame rate being scalable in accordance with a number of dropped frames, including said frame rate being scalable at least in part by dropping at least some frames such that said dropped frames are not sent to the first user or the first viewer computer.

Parker et al. and Lowthert were discussed in the Applicant's previous response to Office Action, dated October 30, 2007. In accordance with that previous discussion, neither Parker et al. or Lowthert, alone or in combination, teach, disclose or suggest, as set forth in amended claims 1, 9, 19 and 27, a frame rate being scalable in accordance with a number of dropped frames, including said frame rate being scalable at least in part by dropping at least some frames such that said dropped frames are not sent to the first user or the first viewer computer.

With regard to Okazaki et al., the Examiner states that Okazaki et al. teaches a frame rate being scalable in accordance with a number of dropped frames depending on whether a previous image has been received, citing Okazaki et al., Col. 3, lines 50-65.

Okazaki et al. discusses an image data processing apparatus in which a reception rate is calculated and a transmitter transmits at the calculated rate. Essentially, as discussed in Okazaki et al. at Col. 3 line 32 to Col. 4 line 43, if lost frames are determined to be occurring too frequently, this is taken as an indication of a problem and indicates that the transmission rate is too high for the reception rate. The transmission rate is then adjusted downward until lost frame rates are reduced to under a specified maximum threshold.

Nothing in Okazaki et al. would indicate that transmission means anything other than transmission of *all* frames. Lost frames, as discussed in Okazaki et al. occur when, for any of a variety of possible reasons, some of the transmitted frames are not properly received or processed at the reception node. *See e.g.* Okazaki, Co. 3, lines 44-53.

Okazaki et al. attempts to solve the problem of a lost frame rate that is too high by detecting the overly high lost frame rate and then reducing a frame transmission rate accordingly to reduce the lost frame rate, in other words all frames are sent, but at a reduced transmission speed. Col. 3 lines 50-65 of Okazaki et al., as cited by the Examiner, merely presents a simple ratio to calculate the rate of occurrence of lost frames, which calculation is then used in determining whether a reduction in transmission rate is needed to reduce the lost frame rate.

In summary, Okazaki et al. discusses adjusting transmission rates to reduce the rate at which transmitted frames are lost, i.e., not properly received or processed at the reception node. Nowhere does Okazaki et al. teach or suggest dropping any frames such that the frames are not sent to a user. Indeed, Okazaki et al. teaches *away* from this, by instead discussing adjusting downward the transmission rate of all frames.

As such, nowhere does Okazaki et al. teach, disclose or suggest, as set forth in claims 1, 9, 19, and 27, a frame rate being scalable in accordance with a number of dropped frames comprising said frame rate being scalable at least in part by dropping at least some frames such that said dropped frames are not sent to the first user or the first viewer computer.

Therefore, Parker et al., Lowthert and Okazaki et al., taken alone or in combination, do not teach, disclose or suggest, as set forth in claims 1, 9, 19, and 27, a frame rate being scalable in accordance with a number of dropped frames, comprising

including said frame rate being scalable at least in part by dropping at least some frames such that said dropped frames are not sent to the first user or the first viewer computer.

Therefore, the Applicant submits that Parker et al., Lowthert and Okazaki et al., taken alone or in combination, do not teach, disclose or suggest all of the claimed elements of any of claims 1, 9, 19 and 27. Moreover, Parker et al., Lowthert and Okazaki et al., taken alone or in combination, do not render any of claims 1, 9, 19 and 27 obvious, as no combination would yield all of the elements of the presently recited claims.

Therefore, the Applicant respectfully requests withdrawal of the rejection.

For at least the foregoing reasons, claims 1, 9, 19 and 27 are patentable over the cited references. Claims 2-8, 10-16 and 20-26 depend, either directly, from claims 1, 9 and 19, and are also patentable for at least the same reasons.

Claim 27 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukasawa et al. (U.S. Pat. No. 6,377,989) in view of Okazaki et al.

Fukasawa et al. was discussed in the Applicant's previous response to Office Action, dated October 30, 2007, and Okazaki et al. is discussed above. In accordance with those discussions and in light of the present claim 27, neither Fukasawa et al. or Okazaki et al., alone or in combination, teach, disclose or suggest, a frame rate being scalable in accordance with a number of dropped frames, comprising said frame rate being scalable at least in part by dropping at least some frames such that said dropped frames are not sent to the first viewer computer, as set forth in amended claim 27.

Therefore, Applicant submits that Fukasawa et al. and Okazaki et al., taken alone or in combination, do not teach, disclose or suggest all of the claimed elements of claim 27. Moreover, Fukasawa et al. and Okazaki et al., taken alone or in combination, do not render any of claims 1, 9, 19 and 27 obvious, and no combination would yield all of the elements of the presently recited claims. Therefore, the Applicant respectfully requests withdrawal of the rejection.

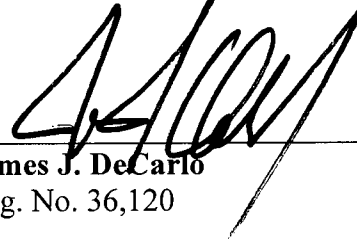
For at least the above reasons, claim 27 is patentable over the cited references.

In view of the foregoing amendments and remarks, the applicants respectfully request favorable consideration and early passage to issue of the present application.

The Commissioner is hereby authorized to charge any fees which may be required for this Amendment to Deposit Account No. 50-1561 of Greenberg Traurig, LLP.

The applicants' attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. DeCarlo', is written over a horizontal line.

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